

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Aging and Independent Living
Office of Dementia Services
(New Administrative Regulation)**

910 KAR 4:010. Alzheimer's and dementia services curriculum review and approval.

RELATES TO: KRS Chapter 216.710-216.716, 216.935-216.939, Pub.L. 116-131

STATUTORY AUTHORITY: 194A.050(1), 216.713

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216.713 requires the Cabinet for Health and Family Services to establish the submission and approval process for training curriculum utilized by agencies that provide services to individuals who exhibit symptoms of Alzheimer's disease or other dementias.

Section 1. Definitions. (1) "Department" means the Department for Aging and Independent Living or "DAIL".

(2) "Provider agency" means a home health agency, personal services agency, or assisted-living community that employs, directly or by contract, aides or other non-licensed personnel whose work involves extensive contact with individuals who exhibit symptoms of Alzheimer's disease or other dementias.

Section 2. Curriculum approval. Curriculum approval shall be granted when it meets the requirements of 216.713(1)-(3).

Section 3. Submission of curriculum. (1) All provider agencies shall submit to the department the agency's proposed training curriculum:

- (a) Upon development of the curriculum and prior to implementation of the training;
- (b) By notification of the standardized curriculum being utilized and verifying the curriculum is being utilized in its entirety without alterations; or
- (c) If the training was in place prior to July 15, 2021, the provider agency may continue to use the curriculum until the curriculum is either:
 - 1. Officially approved by the department for permanent use; or
 - 2. Determined not to meet the criteria for approval by the department.
- (2) Standardized curricula, utilized by provider agencies that are not altered, may be utilized prior to official approval by the department, if submitted pursuant to subsection (b) or (c) of this section.

(3) The provider agency may submit curriculum for review by:

- (a) Mail to the Department for Aging and Independent Living, Office of Dementia Services, 275 E Main St. 3 E-E, Frankfort, Kentucky 40621;
- (b) Hand delivered to the department; or
- (c) By electronic submission.

VICTORIA ELRIDGE, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: August 16, 2021

FILED WITH LRC: August 25, 2021

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 22, 2021, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be

emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by November 15, 2021, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until November 30, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Phyllis W. Sosa Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the process for submitting curricula for cabinet approval that will meet the minimum training requirements for direct-care staff serving individuals exhibiting symptoms of Alzheimer's or other dementias as established pursuant to KRS 216.713.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the training requirement set forth in KRS 216.713.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 216.713 by establishing the process of submission and approval of direct-care training curricula for provider staff who serve individuals exhibiting symptoms of Alzheimer's or other dementias.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation defines the procedure to obtain curriculum approval for use as well as mandates DAIL to maintain a list of approved standardized curricula from which provider agencies can choose. This will ensure that provider agency staff will receive dementia-specific training that influences the quality of their care.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This is a new administrative regulation.

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect any of the 217 certified personal services agencies and 133 assisted-living facilities that serve

individuals who exhibit symptoms of Alzheimer's and other dementias. It will also affect citizens experiencing symptoms of Alzheimer's and other dementias as well as their family caregivers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Each provider agency will be required to submit for DAIL approval the training curriculum they intend to use to train their direct-care providers who serve individuals with Alzheimer's disease or other dementias, or they may indicate which of the DAIL approved standardized curriculum they intend to use.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): As there are numerous free dementia specific curricula already endorsed by the Alzheimer's Association, that will be considered as approved standardized curriculum, no additional expense is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The agency staff will be more prepared to serve people experiencing symptoms of Alzheimer's disease and other dementias, which will improve the quality of care given to this population.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: It is estimated that the Office of Dementia Services Staff Assistant position will spend approximately 30% of his/her time analyzing and approving curricula. Since this position is not yet filled, this fiscal year's cost will be approximately \$21,000.

(b) On a continuing basis: The estimated annual cost will be approximately \$28,000 (based on 30% of a grade 17 salary). There may be a reduction in the percentage of time the department staff will spend in reviewing and approving curriculum after the first year. This will be dependent upon the number of new agencies submitting curriculum for approval and the number of existing providers that submit updated curriculum for review.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this administrative regulation will initially be funded by the Older Americans Act of 1965, as amended through P.L. 116-131 (3/25/2020). Ongoing funding will be identified after the Office of Dementia Services Staff Assistant position is filled.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees to implement this new administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no newly established fees or existing fees that will be affected by the establishment of this administrative regulation.

(9) TIERING: Is tiering applied? Tiering will not be applied. The administrative regulation is applied equally statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Title VII E, Older Americans Act of 1965, as amended through P.L. 116-131 (3/25/2020)

2. State compliance standards. KRS 194A.050(1), 216.710-216.716, 216.935-216.939

3. Minimum or uniform standards contained in the federal mandate. Title VII E, Older Americans Act of 1965, as amended through P.L. 116-131 (3/25/2020)

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no imposed stricter standards, or additional or different responsibilities or requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact the Cabinet for Health and Family Services, Department for Aging and Independent Living.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 216.710-216.716, 216.935-216.939

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? It is estimated that the Office of Dementia Services Staff Assistant position will spend approximately 30% of his/her time analyzing and approving curricula. Since this position is not yet filled, this fiscal year's cost will be approximately \$21,000.

(d) How much will it cost to administer this program for subsequent years? The estimated annual cost will be approximately \$28,000 (based on 30% of a grade 17 salary). The percentage of time this position will be reviewing and approving curriculum may reduce in subsequent years unless providers change the curriculum being utilized.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: